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## How did we sink so low in just 6 years?

By Mike Whitney

“This is how a nation loses its moral compass, its identity, its freedom.” Rep Jerrold Nadler (D-NY)

**09/28/06 "Information Clearing House"** -- -- How did things get this bad? The “Military Commissions Act” which passed the Republican-led Congress yesterday is a bigger blow to the Constitution and our core values than any piece of legislation in our 200 year history. It is 100 times worse than Bin Laden's crimes on 9-11.

In a 253 to 168 “party-line” vote, the congress repealed habeas corpus and approved the torturing of prisoners in American custody. It is breathtaking assault on human rights and personal liberty and puts the United States well-outside the community of civilized nations. It will ultimately be up to the Supreme Court to decide whether to strike down this "affront to democracy" or let the law stand as is.

If the bill passes the Senate, the administration will be able to arrest whomever it chooses and lock them up indefinitely without due process. Suspects in Bush’s war on terror will no longer have the right to challenge the terms of their detention or to even know why they have been incarcerated.

The congressmen who supported this mockery have put their contempt for freedom on full display. They have rescinded the oldest and most treasured principle in American jurisprudence dating back 800 years to the Magna Carta. Habeas corpus is the fundamental protection that the one has from the tyrannical and erratic actions of the state.

The proposed legislation allows the president to apply the moniker of “enemy combatant” to any terror “suspect” taken into US custody and strip him of all his human rights. The president is under no obligation to file charges or provide evidence of guilt. The arrest is completely arbitrary and depends entirely on the discretion (whims?) of the executive. It is a flat rejection of the basic belief that

“men are innocent until proven guilty”.

Here’s what Winston Churchill said about habeas corpus, “The power of the executive to cast a man into prison without formulating any charge known to the law, and particularly to deny him the judgment of his peers, is in the highest degree odious, and the foundation of all totalitarian government whether Nazi or Communist.”

The bill is another example of Bush's lawyerly “hairsplitting” which is aimed at gutting the clearly articulated provisions of the Geneva Conventions so that he can carry out his torture-regime with impunity. There is nothing “vague” about “cruel, inhuman and degrading” treatment. It is a standard that has never been challenged in its 57 year history. Until now.

According to the Washington Post the bill “would give the executive branch substantial leeway in deciding how to comply with treaty obligations that fall short of ‘grave breaches’ of the conventions.”

Geneva was designed to protect prisoners from physical or psychological harm. It is intentionally broad to prevent any punishment that involves the inflicting of pain on detainees. Bush has turned Geneva on its head in an effort to maximize detainee suffering while complying with the letter of the law. To that end, the administration has said that “the term ‘cruel and inhuman’ should only apply to techniques resulting in ‘severe’ physical or mental pain....The abused detainee’s symptoms would have to include ‘serious and non-transitory mental harm.’” (Wa Post)

There’s no reason for Bush to pursue this particular track except to expand his personal power and put himself above the law. Injustice only fuels radicalism and undermines the stated goals in the war on terror.

The congress fully understands the implications of their support. They’re giving Bush a free pass to torment and abuse as he sees fit while providing him with the legal cover he needs for his “alternative techniques” (“outrages to human dignity”) Their vote makes them equally complicit in the inevitable hooding, sense deprivation, hypothermia, stress positions, isolation and water-boarding of countless victims of Bush’s deplorable war of terror.

Like Lady Macbeth the Congress’ avers:

“I am in blood

Stepped in so far that, should I wade no more,

Returning were as tedious as go o’er.” (Macbeth 3. 4)

The country is in the advanced stages of moral decay. The Military Commissions Act is not a law at all; it is an expression of Congress' intention to carry out war crimes against defenseless victims in their charge. The men who supported this bill should be held accountable for its inevitable and appalling consequences.

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